

The CASE of Mr. WYNNE,

AGAINST

Capell, Swaine and Price,

P E T I T I O N E R S.

John Capell.

THE 24th of March 1688, he delivered me at Hampton-Court, an Information of his own Hand-Writing; which I delivered the same Day to the Right Honourable the Earl of Shrewsbury. Some Days after, Capell ask'd me for some Money, to defray his Charges back to Windsor: But I not complying with his Desire, he hath ever since Published, That I had Suppressed Treasonable Informations, calling me, Traytor, &c. Whereupon I was advis'd to take my Remedy at Law against him; and complaining to the Bench of Justices of the Peace in Middlesex, for being Scandalized in my Office, obtain'd a Bench-Warrant against the said Capell, upon the 29th of August 1689. Being taken in November, he appeared according to his Recognizance at Hicks-Hall, on the 16th of December, being the last Day of the Sessions. I desired he might be continued till the next Sessions, for that I had fresh and further Informations against him; and objecting against his Bail, viz. John Temple, and John Price, as being reputed Common Informers, and Insolvent, the said Capell was Committed for want of Bail, and not for the Reasons suggested to the Honourable House of Commons, as by the Votes of the 17th of December.

Robert Swaine.

He and another, brought before me (in August 1689) one White, alias Grey, a suspected Popish Priest; *White* alledged, he was a Minister of the Church of England, but could not produce to me his Letters of Ordination. I told him, That I must then commit him to Jail; he replied, He had been taken up already by the same Warrant, (and by the same Persons) about a Month before, and stood Bound over to the next Sessions, before two other Justices of the Peace, (as by the Recognizance will appear;) So that I directed them, to apply to the same Justices again, if they had any thing further to say against him.

Swaine has ever since Published, 1. That I had Discharg'd a Popish Priest. 2. That I was a Rogue, and Rascal, and held Correspondence with the late King James. 3. That he had told the King's Majesty, how that I had betrayed His Majesty, and the Nation, by Discovering the Counsels to the late King James, &c. 4. That before HE and OTHERS would have done with me, they would have me in Newgate, and used as a Traytor; that in the mean time, he had got me turn'd out of the Secretary of State's Office, &c. As doth appear by several Informations upon Oath, Numb. 1, 2, 3, 4. Upon which, I was also advis'd, to bring my Action at Law against the said Swaine, which is now depending.

John Price.

One of the Three Petitioners, I know not, and never had any Discourse with him; only in the abovesaid Informations upon Oath, the Names of Capell, Swaine, and Price, (with some other English, and Irish Men,) are mentioned to be a Gang, that drive on the Trade of Common Informers, and such as Conspir'd together to do me Mischief.

That Capell, Swaine, and Price, are Common Informers.

That Capell is such, appears by his having followed no other Trade since March last; and being Committed the 16th of December, for want of Bail, declared, *It would be a Job worth to him 20 l.* As by Affidavit upon Oath, Numb. 9.

That he Lodged at a Papists House, and protected Papists, by pretending to be one of the Kings Messengers; And took Money of Papists, to excuse them from being taken up, Numb. 10. 11.

Swaine.

That he took Money of People he seized upon pretence of High Treason, without shewing any Warrant, or using any Legal Officer, as by Affidavits upon Oath, Numb. 4. 5, 7, 8, 11.

That he prosecuted one, some years ago, for speaking Seditious Words against the late King James; and offer'd to Compound for a Treat, and some Money; and, for a Guinea to get the Indictment found *Ignoramus*, Numb. 8.

Price.

That he often pass'd for one of the Kings Messengers, appears by the abovesaid Affidavits upon Oath, (Numb. 5, 6, 7, 11.) which are against him, and Swaine, jointly. And that he and his Gang, pretending they were the Kings Officers, Rifled Houses, without either Warrant or Constable, taking away several Books, and other Things, Numb. 6.